

***Village Board of Trustees***  
***Meeting minutes of June 3, 2008***

Present: Mayor Larry Gursslin  
Trustees Horylev, Gates, Speer & Lee  
Clerk-Treasurer, Janet Surridge  
Code Enforcement, Mike Lissow

Guests: Steve Fowler, Keith Brown, Ann Wright

Mayor Gursslin called the meeting to order at 5:00 pm and the pledge to the flag followed.

**Clerk's Report**

- Mrs Surridge discussed the resolution that the Board passed last month that granted an administrative variance to allow a home to be constructed in Unionville Station that exceeds the square footage allowed in a Planned Residential District. Mr Lissow also added his comments on this matter. In their opinion the best procedure would be to amend the zoning code and increase the square footage allowed. After a lengthy discussion, the Board asked Mr Lissow to make a recommendation next month.
- Municipal Electric: Mrs Surridge presented a financial report which showed revenue and expenses for the 2007 calendar year.
- FEMA grant: Mrs Surridge reported that a meeting was held last month with the Fire Commissioners and Attorney Larry Schwind to discuss the terms of an Intermunicipal Agreement. This agreement is needed to document why the Village and Fire District are paying bills on the other's behalf and to document the intentions of both Boards. At this time, the Board needs to determine a rate per hour that the Village will charge for managing this grant for the Fire District. After a brief discussion, the Board set the rate of \$34.00 per hour.
- Telephone audit: Allan Rotto Consultants (ARC) contacted Mrs Surridge to inquire if the Village would be interested in having their firm conduct an audit on past telephone bills to verify that the phone company is billing us correctly. Since it was a simple matter of providing a copy of our current bill, Mrs Surridge agreed to the audit. The terms of the contract state that if ARC is successful in securing credits or refunds, the Village will share 50% of that revenue with ARC, and if our monthly bill is reduced for future months, the Village will also share 50% of that cost savings with ARC for a period of 3 years. The Board was in agreement with Mrs Surridge's decision.

**Code Enforcement:**

The Board reviewed the monthly report. One of the items discussed was the high number of homes that are in foreclosure status. Mr Lissow said the grass is growing very high on these properties which causes the neighbors to complain. Assistant Superintendent Keith Brown was asked if this is causing a burden on the DPW since the Village is mowing the grass and charging the property owner? Mr Brown said it is making it difficult but not impossible to handle. Trustee Gates suggested that we hire a lawn service, and Trustee Speer suggested we offer overtime hours to keep up with the work load. Both suggestions were turned over to Tom Tilebein for his consideration.

## **Public Forum**

Steve Fowler made a comment that when he shows up for our meetings, the Board room door is frequently closed which implies that the Board is in executive session. He asked the Board to be conscious of this so that the public does not have to sit in the hallway for any length of time. The Board thanked him for pointing this out and stated the only reason the door is closed is because of the noise level in the hallway.

Mayor Gursslin mentioned that the Village Board has received two letters from Hilton Parma Recreation, one of which proposed a workshop meeting to be held on June 25<sup>th</sup> at 7:15 p.m. with the Town Board. Mayor Gursslin asked Mr Fowler who we should respond to on this matter, and Steve replied it should be addressed to Chairperson Carol Lenning. Steve further stated that his Commissioners feel that our elected officials need to be united on the proposal to build a new Library and Community Center facility in order for it to succeed at a public referendum. Trustee Speer mentioned that according to the recent survey results, people can't make up their mind on whether to support a new facility or not because they need more information as to cost and location. Once this is known, then we can all get together and be united. Mayor Gursslin feels that time is not of the essence now on this matter. He believes the Town Board is not planning to put this proposal out for a public referendum this year. The Board thanked Steve for his input.

## **Public Works Report**

- Refuse: Assistant Keith Brown was present to discuss our bulk refuse policy, which Mayor Gursslin has been studying recently with a citizen's committee. Keith and Tom Tilebein feel that the current policy works very well and they do not recommend any changes. Discussion followed. The Board agreed not to make any changes.
- **Resolution** to create a new local law to amend Section 24-503 (A) (4) Site Plan Review as follows: Add paragraph (O) which will read "A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of Local Law #7, 2007 Construction/Post Construction shall be required for Site Plan approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved site plan shall be consistent with the provisions of this local law." Be it further resolved that the public hearing for this local law shall be held on July 1<sup>st</sup>, 2008 at 6 pm. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0
- 38 East Avenue: Mr Tilebein's report indicated that a letter was sent to the property owner to inform him that the driveway needs to be completed as per the terms of our Option to Purchase Agreement. If the owner fails to comply with these terms, Mr Tilebein will take the appropriate action to have the driveway installed by Village employees and then we will bill the property owner for our costs.

**Resolution** that if the property owner of #38 East Avenue fails to install the driveway, which is needed for public safety and to provide access to the Municipal parking lot, the Superintendent of Public Works is authorized to use Village labor and equipment to complete the driveway construction as needed and to bill the property owner for our costs. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

- Trustee Horylev complimented Mike & Keith on their report as it helps the Board to understand the many jobs the Public Works Department does every day. Trustee Speer commended Tom and the DPW for how well the transition went to convert the RG&E street lights over to the Village.

## **Sanitary Sewer System**

**Resolution** to accept the 2008-09 Community Development Block Grant in the amount of \$11,150 which will fund our Sanitary Sewer Needs Assessment project and to authorize Mayor Gursslin to sign the contract agreement with Monroe County. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0

## **Parking Lot Leases**

Mrs Surridge informed the Board that the parking lot leases that the Village acquired in 1988 from the businesses on the east side of South Avenue expired on May 31, 2008. A renewal document was prepared and sent to Attorney Larry Schwind for his approval. Discussion followed.

***Resolution*** that the Village of Hilton hereby enters into a 10 year lease with the following businesses for the purpose of providing municipal parking in the central business district:

Pete McCann, 7 South Avenue  
Joseph & Susan Fertitta, 17 East Avenue & 4 South Avenue  
Milton Shulman, 1 East Avenue  
Pro Hardware, 9 South Avenue

The terms of the lease are as follows:

#### LEASE AGREEMENT

THIS AGREEMENT, made this 4th day of June, 2008, by and between \_\_\_\_\_ residing at \_\_\_\_\_, hereinafter the "Lessor", and the Village of Hilton, a municipal corporation incorporated under the laws of the State of New York, having offices located at 59 Henry Street, Hilton, New York, hereinafter the "Lessee".

WHEREAS, the Lessor is the owner of real property located at \_\_\_\_\_, Hilton, New York 14468; and

WHEREAS, the Lessee desires to lease a portion of said real property from the Lessor, hereinafter the "Premises", upon the terms and conditions set forth herein, and Lessor desires the same.

NOW, THEREFORE, the parties agree as follows:

1. The Lessor agrees to lease to the Lessee the Premises described as follows:  
(Description to be inserted for each parcel)
2. The term of this lease shall be for a period of ten (10) years, commencing on the 1st day of June, 2008 and terminating on the 31st day of May 2018, unless otherwise extended or earlier terminated as set forth herein.
3. If this lease has not been earlier terminated, the Lessee, at its sole option, shall have the right to extend the term of this lease for an additional ten (10) years, upon the same terms and conditions, by giving notice to the Lessor of its intention to extend the term of this lease, said notice which shall be in writing and shall either be personally delivered to the Lessor or transmitted by certified mail to the Lessor at the address set forth above, or at such other address as the Lessor shall notify the Lessee in writing.
4. The Lessee shall use the Premises solely and exclusively for general and unrestricted municipal parking for the Village of Hilton, and any other purpose reasonably related thereto. The Lessee shall be entitled to erect such signage, make such alterations and improvements to the Premises and promulgate such rules, regulations and restriction as may be reasonable and appropriate for the use of the Premise as intended. The Lessee shall not make any alterations or improvements to the Premises without the prior written consent of the Lessor, which consent shall not be unreasonably withheld.
5. Use of the Premises by the Lessee shall be exclusive to the Lessee, its agents and invitees, and the Lessor covenants Lessee's quiet enjoyment of the Premises throughout the term of this lease, so long as the Lessee keeps all of its promises pursuant to this Agreement. However, nothing herein shall prohibit the Lessor from utilizing the Premises for parking by the Lessor, his/her agents and/or invitees, so long as such use does not interfere with the use of the Premises by the Lessee for the intended purpose or violate any rules, regulations and restrictions as promulgated by the Lessee.
6. Notwithstanding the foregoing, should the Lessee fail to use the Premises for the aforesaid intended purpose for a period in excess of three (3) consecutive months during the term of this lease or any extension thereof, either party may terminate this lease by notice to the other, said notice which shall be in writing and shall either be transmitted by certified mail to the address set forth above, or at such other address as either party shall notify the other in writing. Upon such termination, neither party shall have any further rights or obligations pursuant to this Agreement.
7. As and for consideration, the Lessee shall pay to the Lessor the amount of One and

00/100 Dollars (\$1.00) per year, to be paid on or before the first day of June of each year of the term of this lease, or any extension thereof.

8. As and for additional consideration, the Lessee agrees to maintain the Premises, throughout the term of this lease and any extension thereof, in a clean and reasonable state of repair for the intended purpose. Lessor shall be responsible for all real property taxes.

9. The Lessee agrees to lease the Premises "as is" as of the date of commencement of the term.

10. The Lessor represents and certifies that he/she/it is the owner of the Premises and has the power and authority to enter into this Agreement.

Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

### **Real Property Tax Credits**

**Resolution** that pursuant to the existing franchise agreement and per Section 626 (1) of the Real Property Tax Law, a tax credit of \$125.17 is hereby granted to Time Warner Cable. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0

**Resolution** to authorize the Clerk-Treasurer to credit the tax bill for #2 Leith Lane by \$34.22 since the Veteran's exemption was omitted from the Town's assessment roll in error. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

### **Vouchers**

**Resolution** to approve the abstract of vouchers. Totals as follows:

General fund	\$ 51,158.52
Water fund	\$ 33,714.91
Sewer fund	\$ 1,241.74
Electric fund	\$ 3,910.08
Gas fund	\$ 1,827.36
T/A fund	\$ 10,517.06
Prepaid	<u>\$203,760.32</u>
Total	\$306,129.99

Motion to approve was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

### **Minutes**

**Resolution** to approve the meeting minutes of April 24<sup>th</sup> 2008. Motion was made by Mayor Gursslin, seconded by Trustee Lee. Carried unanimously 5-0

**Resolution** to approve the meeting minutes of May 6<sup>th</sup> 2008 as corrected. Motion was made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0

### **Executive session**

**Resolution** to enter into executive session to discuss personnel issues. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

**Resolution** to exit out of executive session at 7:30 p.m.. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

**Resolution** to hire Metro Appraisal Associates to appraise 3 properties in the Village of Hilton and to authorize them to secure an Offer to Sell Agreement which shall be subject to the Village Board's approval. Be it further resolved that the cost for this work shall not exceed \$4,000 and the Clerk-Treasurer is authorized to amend the 2008-09 budget by taking funds from the contingency to pay for this expense. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0 .

### **Newsletter**

The Board reviewed the final draft of the newsletter and they were very pleased with it. They also reviewed the time sheet that showed how many hours Mary Lissow worked to prepare it. Discussion followed.

**Resolution** to pay an additional sum of \$100 to Mary Lissow as compensation for the many hours that she spent writing and coordinating the current newsletter. Motion was made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0

### **Special Meeting**

**Resolution** to hold a special meeting on June 16<sup>th</sup> at 5:00 pm. Motion was made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0

The meeting adjourned at 8:00 pm

Janet SurrIDGE  
Clerk-Treasurer